

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

BRIT F. AUGBORNE, III,)	Case No.: 3:17-CV-00592-RCJ-WGC
)	
Plaintiff,)	ORDER ADOPTING AND ACCEPTING
)	REPORT AND RECOMMENDATION OF
vs.)	UNITED STATES MAGISTRATE JUDGE
)	(ECF NO. 59)
DOCTOR HDSP, <i>et al.</i> ,)	
)	
Defendants.)	

Before the Court is the Report and Recommendation of United States Magistrate Judge William G. Cobb (ECF No. 59¹) entered on April 17, 2020, recommending that the Court grant Plaintiff's Motion for Leave to File a Second Amended Complaint, that the Eighth Amendment claim against Mike Lopez be allowed to proceed, and the remaining claims and Defendants be dismissed with prejudice. No objection to the Report and Recommendation has been filed.

This action was referred to Magistrate Judge Cobb under 28 U.S.C. § 636(b)(1)(B) and Local Rule IB 1-4 of the Rules of Practice of the United States District Court for the District of Nevada.

¹ Refers to Court's docket number.

1 The Court has considered the pleadings and memoranda of the parties and other relevant
2 matters of record pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule IB 3-2.

3 **IT IS HEREBY ORDERED** that Magistrate Judge Cobb's Report and Recommendation
4 (ECF No. 59) is **ADOPTED and ACCEPTED**.

5 **IT IS FURTHER ORDERED** that Plaintiff's Motion for Leave to Amend (ECF No. 56)
6 and deeming the Second Amended Complaint (ECF No. 55) the operative pleading.

7 **IT IS FURTHER ORDERED** that Defendants DR. MENSHA and NURSING
8 DIRECTOR BOB FAULKNER are **DISMISSED WITH PREJUDICE**.

9 **IT IS FURTHER ORDERED** that Plaintiff shall proceed with his Eighth Amendment
10 deliberate indifference to serious medical needs claim against NURSE MIKE LOPEZ.

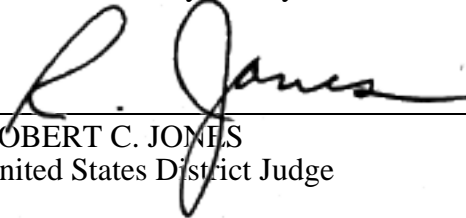
11 **IT IS FURTHER ORDERED** that the remaining claims against Defendants DR.
12 ARANAS and DR. KATABAY are **DISMISSED WITH PREJUDICE**.

13 **IT IS FURTHER ORDERED** the Clerk of the Court shall enter judgment accordingly.

14 **IT IS SO ORDERED.**

15 Dated this 9th day of July, 2020.

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ROBERT C. JONES
United States District Judge